IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 1124 OF 2007(H)

PETITIONER:

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1. BEERANKUTTY CHONARI, S/O. KUNHEEN,
   CHONARIKADAVU, MUTTICHIRA, MOONNIYUR.

2. K.S. SIDHIK, S/O. ALAVI HAJI,
   KALANGADAN HOUSE, KALANKOTTIYALA, MOONNIYUR.

3. K. AYYAPPAN, S/O. VELU,
   THATTANJEERI HOUSE, PULICHERI, MOONNIYUR.

4. E. CHANDRAN NAIR, S/O.MADHAVAN NAIR,
   KALIKANDAM, MOONNIYUR.

5. E. ABDU RAHIMAN,
   S/O. E. KUNHAMMED HAJI, ERANGHIKKAL HOUSE,
   PULICHERI, MOONNIYUR.

6. M. ABOOBACKER, S/O. KOYA,
   PULICHERI, MOONNIYUR.

7. A.T. MARIYAM, D/O. EANIKKUTTY,
   PULICHERI, MOONNIYUR.

8. K.P. ABDUL LATHEEF,
   S/O. MAMMUKUTTY HAJI, K.P. HUSE, MOONNIYUR.

9. N.M. HASSANKUTTY HAJI, S/O.KUNHEEN,
   PALAKKOTHODI HOUSE, CHOLANIKADAVU, MOONNIYUR.

10. NAREEKKOTT MECHERI MUHAMMEDKUTTY,
    S/O. KUNHEEN, MOONNIYUR.

11. N.M. AVARANKUTTY HAJI, S/O. KUNHEEN,
    C.H. ROAD, CHENAKKAL.

12. K. KOYA, S/O.K.ALAVI HAJI,
CHONARIKADAVU, MUTTICHIRA, MOONNIYUR.

13. CHONARIKKADAVU PALLIKKAMITTEE BY
SECRETARY, N.M.HASSANKUTTY HAJI, CHONARIKKADAVU,
MUTTICHIRA, MOONNIYUR.

14. KALANGODAN KUNHAMMADKUTTY,
S/O. ALAVI HAJI, CHOMIKADAVU, MUTTICHIRA,
MOONNIYUR.

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER
SMT.PRIYA VIJAYAN

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,THIRUVANANTHAPURAM.

2. CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
TRANSMISSION (NORTH), KOZHIKODE.

3. ASSISTANT EXECUTIVE ENGINEER,
TRANSMISSION SUB DIVISION, CHERVAYOOR, KOZHIKODE.

4. DISTRICT COLLECTOR, MALAPPURAM.

5. THE ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM.

S.C. FOR K.S.E.B. SRI. JOSE J. MATHEIKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NO. 1124 OF 2007

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DATED THIS, THE 10TH DAY OF JANUARY, 2007

J U D G M E N T

Petitioners were aggrieved by Ext.P1 order passed by the Additional District Magistrate, Malappuram, by which permission was granted to the Assistant Executive Engineer, Transmission Sub Division, Chevayoor, to draw 110 KV line as per the alternate proposal. Since the petitioners were not parties thereto and since they had some grievance to be raised, they preferred a representation before the Additional District Magistrate, Malappuram which was referred to the District Collector, who passed Ext.P3 order. The grievance of the petitioner is that by Ext.P3 order, the District Collector deferred the objection to be considered as according to him, some writ petitions were pending before this Court. At the same time, if the lines are drawn pursuant to Ext.P1 without considering the objection of the petitioners, it will cause irreparable injury and hardship to them besides affecting their legal right.

2. Learned standing counsel appearing on behalf of the Board made available a copy of the judgment in W.P. (C) 10443 and connected writ

petition which are referred to in Ext.P3 order as pending before this Court. As such, the District Collector may consider the objection and pass appropriate orders. Either of the parties can produce a copy of the judgment in W.P.(C) 10443/2006 and connected case along with a copy of this judgment whereupon the District Collector will consider the objection and dispose of the same. Till then, Ext.P1 shall be kept in abeyance in the area to which objection is raised by the petitioners.

The writ petition is disposed of as above.

P.R. RAMAN,
JUDGE.

knc/-